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UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11
Case No. 08-35653 (KRH)
Jointly Administered

RESPONSE TO OBJECTION TO CLAIM NO. 12116
(Central Investments, LLC)

TO THE HONORABLE KEVIN R. HUENNEKENS, U.S. BANKRUPTCY JUDGE:

COMES NOW Central Investments, LLC. (“Claimant”), creditor, by and through its undersigned attorneys, Jackson & Campbell, P.C., and as its Response to Objection to Claim No. 12116 respectfully represents as follows:

1. The Claimant’s name is Central Investments, LLC.
2. On April 6, 2009, Claimant filed Claim No. 12116 for Rejection of Lease damages as a supplement to its Claim No. 4556 filed on January 6, 2009 (Docket #10039). Claim 4556 was for then-existing pre-petition defaults under the lease by and between the Debtors and Claimant,

arising under the lease.

3. The Trustees of the Liquidating Trust have since filed their 2nd Omnibus Objection, alleging that Claim No. 12116 was filed beyond the bar date for filing Proofs of Claim.

4. The Order that had been entered as Docket #896 established the following procedure for rejection of leases:

9. Any lease for which no Potential Purchaser has been identified, and for which no Potential Purchaser Notice has been provided, shall be deemed rejected as of the later of December 31, 2008 (unless the Debtors provide at least five (5) days prior written notice of an earlier rejection date), or the date that the Debtors have surrendered the premises to the applicable Landlord by (i) providing unequivocal notice of rejection and (ii) using commercially reasonable efforts to (a) disarm the alarm, (b) transmit alarm codes to the applicable Landlord, or (c) advise the Landlord in writing that they are unable to provide the alarm codes despite commercially reasonable efforts to do so, and (ii) (a) return keys to the applicable Landlord or (b) advise the applicable Landlord that the keys cannot be provided despite commercially reasonable efforts to do so; provided, further, that unequivocal notice shall include (without limitation) (x) this Order, for purposes of rejection as of December 31, 2008, (y) the five-day notice described above, for purposes of an earlier date, or (z) such other writing wherein the Debtors indicate their desire to reject the applicable Lease on another date.

5. In their performance of the requirements of this order, the Debtors did not actually surrender the premises demised under the Lease to Claimant, by providing unequivocal notice of rejection, and did not perform all of the other required actions.

6. No court order or motion or other filing in this matter specifically indicates, finds or rules that the Lease has been rejected.

7. The Debtor's attorneys, in response to inquiry by Mark Ordower, Esq., counsel for Claimant, in late March or early April 2009 orally advised Mr. Ordower, attorney and agent for claimant, that the lease had been rejected as of December 31, 2008.

8. Accordingly, the lease was not rejected until unequivocal notice was given, and rejection claims were due within thirty (30) days of rejection. Thus, Claim No. 12116 was filed timely.

9. Alternatively the filing of Claim No. 12116 relates back to and amends Claim No. 4556, which was filed on January 16, 2009, within the claims bar date, and is thus an amendment of a timely filed claim. The cover letter transmitting Claim No. 4556 indicated it was a protective filing that would be amended if the lease was rejected, as was done, in a timely manner.

WHEREFORE, Claimant asks that the Court enter an Order:

1. Overruling the Objection to Claim No. 12116;
2. Allowing Claim No. 12116; and
3. Granting such other and further relief as is just and proper.

Dated: April 7, 2011

Respectfully submitted,

/s/ Jeffrey M. Sherman
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class mail, postage prepaid, or, where available and proper, by electronic means in lieu thereof, on April 7, 2011, to:

Jeffrey N. Pomerantz, Esq.
Andrew W. Caine, Esq.
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100

Lynn L. Tavenner, Esq.
Paula S. Beran, Esq.
TAVENNER & BERAN, PLC
20 North Eighth Street, 2nd Floor
Richmond, Virginia 23219

and to all parties entitled to notice under the “2002” and “Core” lists through ECF.

/s/ Jeffrey M. Sherman
Jeffrey M. Sherman